



OFFICE OF CITY CLERK

## COUNCIL MINUTES

May 29, 2008

The City Council of the City of Mesa met in a Special Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on May 29, 2008, at 8:10 a.m.

### COUNCIL PRESENT

Mayor Keno Hawker  
Kyle Jones  
Tom Rawles  
Scott Somers  
Darrell Truitt  
Claudia Walters  
Mike Whalen

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Debbie Spinner  
Linda Crocker

### 1. Take action on the following resolutions:

- a. Canvassing, declaring and adopting the results of the General Election held on May 20, 2008 – Resolution No. 9266.

Mayor Hawker reported that the May 20, 2008 General Election resulted in the election of Scott Smith to the Office of Mayor and Dina Higgins to the position of Councilmember - District 5.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 9266 be adopted.

Carried unanimously.

- b. Approving the Mesa Gateway Strategic Development Plan.

Planning Director John Wesley advised that staff and the consultant have prepared a presentation on the Development Plan.

Councilmember Rawles stated that he would like to ask staff several questions before the Council hears the presentation.

In response to a question from Councilmember Rawles, Mr. Wesley confirmed that in accordance with standard policies and procedures, the Development Plan was referred to the Planning and Zoning (P&Z) Board. He advised that P&Z has continued consideration of the Plan until their June meeting.

Responding to a comment by Councilmember Rawles, City Attorney Debbie Spinner advised that the Council could take action on the subject resolution without receiving a recommendation from P&Z. She explained that although State Statutes require that P&Z provide recommendations to the Council regarding formal amendments to the General Plan, the Development Plan is not a regulatory document.

Councilmember Rawles stated the opinion that the Council should adhere to standard policies and procedures that are in place to ensure public input.

It was moved by Councilmember Rawles, seconded by Councilmember Whalen, that consideration of the Mesa Gateway Strategic Development Plan be continued until the Council receives a recommendation from the Planning and Zoning (P&Z) Board.

Vice Mayor Walters suggested that the Council has an opportunity at this meeting to discuss the Plan, provide input and make recommendations.

Councilmember Rawles noted that the agenda refers to "approval" of the resolution, and he stated that as a matter of conscience, he could not consider approval or disapproval of the item.

Mayor Hawker noted that this Council initiated a study of the Gateway area, which has been ongoing for some time. He stated the opinion that the current Council is knowledgeable regarding the Plan and therefore, the current Council is the appropriate body to reach a conclusion. He further stated the opinion that a failure by this Council to take action on the Plan and complete the task would be irresponsible. Mayor Hawker noted that the proposal includes alternatives for Council consideration. He said that P&Z had an opportunity to review the Plan and chose to continue their consideration of the Plan to a future meeting.

Councilmember Whalen acknowledged that there was a substantial amount of public outreach with regard to the Plan and that perhaps some property owners were not paying attention. He said that he understood the desire of P&Z to hear additional testimony from area property owners, and he expressed the opinion that the views of the current Council regarding the Gateway area are well documented. Councilmember Whalen noted that protection of the airport is important to both the City and the property owners. He added that the Arizona State Land Department, a major landholder in an important area, has requested a continuance of this agenda item.

Councilmember Rawles stated that he would not object to Council consideration of the Plan if P&Z had provided a recommendation. He noted that during his term on the Council, he voted on several plans that were initiated by a prior Council.

In response to a question from Vice Mayor Walters, Ms. Spinner advised that the Council could approve, disapprove, or modify the resolution. She added that the Council could also provide direction to staff to implement modifications for consideration by the next Council or refer the Plan to P&Z.

Vice Mayor Walters expressed the opinion that some groups or individuals have made efforts to have items continued for consideration by the future Council in the belief that the incoming Council would be more sympathetic to their position or concerns. She said that she and other Councilmembers made a few poor decisions regarding some zoning cases early in their service.

on the Council, and she noted that the process to correct those decisions was difficult. Vice Mayor Walters added that a Council discussion of the Plan would provide an opportunity for the Councilmembers to share their knowledge and experience regarding the issue.

Councilmember Rawles stated that he was amenable to holding a discussion of the Plan before the Council considers his motion.

Mark McLaren, Vice President of HDR, Inc. and Project Manager for the Mesa Gateway Strategic Development Plan, displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) to provide an overview of the Plan. He listed all of the public outreach activities, which included contacts with more than 8,000 property owners, 287 registered neighborhoods and 25 homeowner associations. He also reported that many companies, organizations and agencies (see Attachment 1) have been involved in the process. Mr. McLaren reported that the "Community Vision" is as follows:

Mesa Gateway will be an internationally recognized destination for those looking for a sustainable place in which to live, work, learn and recreate. It will provide industries with an economically efficient business climate and its workforce and residents with access to the global resources desired of a knowledge based economy.

Mr. McLaren listed the key goals for the Gateway Area:

- Protect and promote the airport.
- Commercial passenger service with complementing cargo activities.
- 100,000 high wage/high value jobs.
- Achieving a financially sustainable area.

Mr. McLaren advised that the study included an examination of aircraft flight paths, height analysis related to FAR Part 77 ("Federal Aviation Regulations Part 77" addresses building obstruction height recommendations) and OEI ("One Engine Inoperative" relates to heights for safety procedures), and sound readings and modeling. He noted that two plans are being presented: Alternative A, which is the Plan presented to the Council in March of this year, and Alternative B, which eliminates residential development within the Loop 202 area. Mr. McLaren displayed a 2030 comparison of the two alternatives (see Attachment 2) and noted that although the plans project a similar number of jobs, development beyond 2030 would be slower under Alternative B. He added that Alternative A provides a better jobs/housing balance with less traffic impact on the surrounding area and Alternative B provides the greatest protection of airport operations.

In response to a series of questions from Councilmember Truitt, Mr. McLaren advised that fiscal data was provided in December for the three alternatives being considered at that time, which included Alternative A. He added that numerous changes have been made to Alternative B in the past thirty days and there has been insufficient time to determine the financial impact of this alternative. Mr. McLaren reported that the amount of industrial land included in Alternative B would extend the absorption horizon beyond 2030, and he added that not all of the industrial land in both alternatives would be fully absorbed by 2030. He said that the residential land is projected to be fully absorbed by 2030 under both scenarios. Mr. McLaren acknowledged that jobs and retail development follow the availability of housing, and he noted that the amount of

housing that is developed affects the City's sales tax revenues. He recommended Alternative A as the plan that best represents the concerns of all stakeholders.

Responding to questions from Councilmember Rawles, Mr. Wesley confirmed that Alternative B was made available to the public on May 9, 2008, and that comments at the recent P&Z meeting indicated that the stakeholders did not have sufficient time to consider the information.

Councilmember Somers expressed concern that an alternative would be selected based on a projection that development would be completed at a faster rate. He stated the opinion that it was preferable to delay development to ensure a quality product and protect the airport. Councilmember Somers noted that residential development is more likely to affect the Phoenix-Mesa Gateway Airport, an airport in the early stages of development, than a well-established airport such as Sky Harbor. He suggested that caution be exercised regarding the approval of residential development under the flight path. Councilmember Somers disagreed with an earlier comment that "jobs follow residential development." He suggested that although retail jobs follow residential development, residential development follows high paying jobs and other amenities that may be available in an area. Councilmember Somers noted that a "Concept B," which excludes residential inside the Loop 202, was available and discussed by the Council in December 2007.

In response to a request from Councilmember Somers, Gateway Area Project Manager Scot Rigby provided information on noise levels by displaying charts that indicated the noise levels at various points for an MD-80 departure (see Attachment 3) and a Boeing 757 departure (see Attachment 4) from the Phoenix-Mesa Gateway Airport.

Discussion ensued relative to the fact that sound attenuation requirements could be imposed by the Council; that sounds affect different people at different levels; that people seeking to live in an urban environment are more accepting of noise levels; that this type of urban environment is not likely to develop faster than industrial or commercial development; and that the City should proceed cautiously in order to protect the airport.

Responding to a question from Vice Mayor Walters, Mr. McLaren confirmed that the development of Plan A is based on Council direction that protection of the airport is the main priority. He stated the opinion that the type of residential proposed in Alternative A is an appropriate use within that area.

Vice Mayor Walters noted that although references to protection of the airport are alluded to and woven throughout Plan A, she suggested that an implicit statement be included at the beginning of the Plan, such as "Protection of flight corridors in a way that allows for the broad and growing use of the airport is of paramount importance." She also suggested that, in order to avoid the perception that, once adopted, the provisions of Plan A are "set in concrete," the following statement should be included: "This sub-area plan is a living document and it is anticipated that there will be changes in this Plan over time as technological advancements, development and other variables take place." Vice Mayor Walters noted that Plan A does not provide for "hard zoning," and she added that Plan B is more consistent with the General Plan.

Councilmember Jones expressed concurrence with the comments of Vice Mayor Walters and Councilmember Somers. He reiterated that the Plan would change over time depending on circumstances and that protection of the airport is imperative. He noted that "standard residential housing" is not an option under the flight path.

Vice Mayor Walters stated the opinion that plans should ensure that any type of high-density residential development should be constructed to a higher standard relative to noise attenuation. She added that housing should be of a type that will attract people who are employees of area businesses. Vice Mayor Walters referred to the comment that “jobs follow housing” and noted that if the statement were true, the City of Mesa would have more jobs.

Mayor Hawker announced that a number of citizens have requested the opportunity to address the Council.

Pike Oliver of W Holdings, 1121 West Warner Road, Tempe, said he represented owners of properties located within the Gateway planning area. He endorsed the City’s effort to plan the area around the airport, and he encouraged the Council to allow time for all of the parties to present refinements to P&Z.

Ralph Pew, 1930 East Brown Road, an attorney representing owners of a significant amount of property in the Gateway planning area, urged the Council to continue the vote on this issue. He said that the incoming Council and P&Z would be implementing the Plan. He noted that there are no clear processes in place to facilitate amendments to the Plan, and he added that developers and property owners are seeking clarity.

Mark Metzger, 2065 East Kael Circle, representing The Boeing Company, emphasized that airports and residential development are not a good mix. He noted that a number of California airports would eliminate existing residential development in the surrounding area if that were possible. He said that incompatible zoning could cost the City future jobs and possible financial penalties for noise attenuation.

James Boyle, 19645 East Elliot Road, the owner of two dairy farms, expressed concern that the public had insufficient time to evaluate Plan B, and he urged the Council to postpone the decision.

Jason Barney, 4915 East Baseline, representing Circle G Property Development in Gilbert, said that although progress has been made on the Plan, there is still much work to do. He quoted an area of concern from page 3 of the staff report regarding implementation of the Plan that read, “It will represent the Council’s latest policy direction for the development of the area. As such it will be the primary document used by staff when working with development proposals for the area.” Mr. Barney stated the opinion that each plan has some good elements, which could be incorporated into a Plan C.

Paul Gilbert, 4800 North Scottsdale Road, said he represented Pacific Proving, which owns a significant amount of land in the planning area. He advised that their major concern is the need for flexibility. Mr. Gilbert expressed concern that the plan being presented deviates somewhat from the “Levine compromise” that was agreed to with Boeing. He suggested that incorporating the following language in the plan could mitigate their concerns:

“Implementation of specific land use locations and development parameters for properties with a Mixed-Use Community (MU/C) General Plan designation or Planned Community District (PCD) zoning are governed by such zoning documents and may vary from the land use designations shown on the illustrative plan or within the land use category descriptions.”

Mr. Gilbert noted that DMB also supports incorporating the language. He stated the opinion that the framework plan should be the primary document that guides the implementation.

Wayne Balmer, Planning Manager for the Town of Queen Creek, advised that the Town has not taken a position regarding the choice between Plan A and Plan B. He said that the Town's request for clarification of the definition of "general industrial" has been provided. Mr. Balmer reported that in order to mitigate the traffic congestion caused by the presence of railroads in the area, the Town plans to extend Queen Creek Road from Ellsworth Road to Germann Road. He said that the Town is requesting a commitment from the City of Mesa that 80<sup>th</sup> Street, which is a continuation of Queen Creek Road to the north, would be improved in the future to create a major collector or arterial street that connects to Pecos Road in order to provide east and west access north of the railroad and to the airport. Mr. Balmer also requested that the Council consider implementing a light industrial designation on the north side of Germann Road east of Ellsworth Road to provide a transition at the border with Queen Creek.

In response to a question from Councilmember Somers, Mr. Balmer advised that the south side of Germann has a general industrial designation.

Councilmember Somers said that although he agreed that the City of Mesa and the Town of Queen Creek should cooperate in these areas, he stated the opinion that a study of these issues should be completed before decisions are made.

Mayor Hawker noted that the Town of Queen Creek has been a great partner with the City of Mesa regarding the airport and the transportation network, and he added that the City would continue to cooperate by jointly studying the issues.

Responding to a question from Councilmember Truitt, Mr. Wesley advised that the information in the PowerPoint presentation summarizes the key points of the Strategic Plan. He stated that Mr. McLaren does have the background information and technical data that supports the Plan and that information is available for review.

Mr. Wesley responded to a question from Vice Mayor Walters by stating that the City would not amend the current General Plan designation of any property without the permission of the owner. He noted that when a project submitted to the City has a General Plan designation that is inconsistent with the current Plan, staff would work with the applicant. He noted that although a project could move forward to P&Z and the Council with information that identifies the differences from the current General Plan and a staff recommendation for denial, the Council has the ultimate authority to determine which plan is appropriate.

Vice Mayor Walters expressed a concern that this process is different from the TOD (Transit Oriented Development) zoning, which enables the property owner to choose the existing zoning or the TOD zoning.

City Attorney Debbie Spinner advised that the Council has the discretion to approve or disapprove a request for a rezone. She added that other issues could be raised if a request is received for site plan approval that is consistent with the General Plan designation and consistent with the "hard zoning" on the property.

Mr. Wesley said that staff anticipates changing the definitions of Major and Minor General Plan Amendments, which would facilitate the implementation of a Mesa Gateway Strategic Plan as adopted by the Council. He added that a plan adopted by the Council would be interpreted by staff as the most current policy direction. Mr. Wesley reported that the next General Plan update is scheduled to begin in 2010 and would be ready for adoption in 2012 or 2013.

Mayor Hawker stated the opinion that the inside area of the Loop 202 (bounded by the high-voltage power lines to the north, Power Road to the west and the Loop 202 to the south and east) is not suitable for residential development because the area is in the flight path for departures. He further stated that eliminating residential development in the area maintains the future viability of the airport and supports an economic synergy with entities such as Arizona State University (ASU) Polytechnic. Mayor Hawker concurred with the comments of Councilmember Somers regarding the fact that the airport is in an early stage of development. He added that when the Phoenix-Mesa Gateway Airport becomes successful and the market indicates that urban residential development is viable inside the Loop 202, consideration could be given to changing the plan at that time. Mayor Hawker noted that the current Council has been studying this area for a number of years, and he had hoped that they could reach a decision. He said that the incoming Council would be hearing from developers interested in making a profit and property owners seeking an economic opportunity. Mayor Hawker expressed the hope that the build-out vision would be held to a higher standard to ensure long-term benefits to the City of Mesa.

Vice Mayor Walters suggested that Councilmember Rawles' motion include the direction that comments expressed during this Council discussion be provided to P&Z. She stated the opinion that there are still legitimate issues that need to be resolved, and she further stated the opinion that some "council shopping" has been occurring. Vice Mayor Walters said that the incoming Councilmembers should be aware that "making everyone happy" is an impossibility, and she added that pleasing all of the Gateway Area property owners is likely to destroy the future of the airport.

Councilmember Somers said he was open to suggestions regarding the area inside the Loop 202 that does not include residential development. He thanked Mr. McLaren of 4HDR for his efforts, the ASU Decision Theater and the members of the public who participated in the process.

Councilmember Rawles advised that he was willing to amend his motion to include a provision that the P&Z Boardmembers receive a CD or have access to a recording of the Council's discussion. He stated that Mayor Hawker, Vice Mayor Walters and other outgoing Councilmembers have been strong advocates for protection of the airport, and he commended them for their efforts.

Councilmember Truitt said he concurred with Councilmember Rawles that the process was important and therefore, he would support the motion to continue the item. He also stated the opinion that the many properties inside the Loop 202 are supportive of industrial development.

Councilmember Rawles offered an additional amendment to his motion to include the fact that the language read into the record by Paul Gilbert, which is also recommended by DMB and Pacific Proving, should be included in the Plan.

Councilmember Whalen, the seconder, accepted the amendments to the motion. He also encouraged P&Z and the incoming Council to consider the request made by the Town of Queen Creek regarding transitional zoning in the area on the north side of Germann Road.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

AYES – Jones-Rawles-Somers-Truitt-Walters-Whalen  
NAYS – Hawker

Mayor Hawker declared the motion, as amended, carried by a majority vote.

2. Items from citizens present.

There were no items from citizens present.

3. Adjournment.

Without objection, the Special Council Meeting adjourned at 10:01 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council Meeting of the City Council of Mesa, Arizona, held on the 29<sup>th</sup> day of May 2008. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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Attachments (4)